

ORDINANCE 2007-2

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DUNE ACRES, INDIANA AMENDING THE TITLE OF CHAPTER 18 AND ADDING SECTIONS 3, 4, 5, 6, 7, AND 8 TO ARTICLE II ENTITLED CONSUMER FIREWORKS.

Whereas, the Town of Dune Acres has previously prohibited consumer fireworks of any kind, and Whereas, the State of Indiana now allows consumer fireworks during certain times and days during the year

Now Therefore, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DUNE ACRES, INDIANA AS FOLLOWS:

Section I. Chapter 18 is amended to read: FIRES AND FIREWORKS and Sections 3, 4, 5, 6, 7 and 8 are hereby added to Article II, and shall read as follows:

"Article II. Consumer Fireworks." Is added and shall read:

Section 18-3. The terms "Consumer fireworks" and "Fireworks" applies to all Class B consumer fireworks and shall have the meaning set forth in I.C. 22-11-14-1 as the same may be amended from time to time.

Section 18-4. The use, ignition or discharge of consumer fireworks, within the corporate limits of the Town of Dune Acres, Indiana shall be unlawful and in violation of this Article at anytime, with the exception of the following:

- A. Within the hours of 5 p.m. and two hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8 and July 9 in any year;
- B. Between the hours of 10a.m. and 12 midnight on July 4;
- C. Between the hours of 10 a.m. on December 31 and 1 a.m. on January 1 in any given year.
- D. Public fireworks displays where a permit is granted pursuant to I.C. 22-11-14-2 or 22-11-14-3.5.

Section 18-5. Nuisance. Use or discharge of fireworks, which causes serious annoyance or disturbance to a neighborhood or the residents therein by loud, frequent, or habitual noise, is declared to be a nuisance. It is unlawful for any person to conduct such activities.

Section 18-6. Parental Responsibility, it shall be unlawful for the parent, guardian or other adult person having the care, custody and control of a minor under the age of 18 years to knowingly permit such minor to fire, shoot off or discharge any fireworks within the corporate limits of the Town of Dune Acres.

Section 18-7. Liability for fire. Any person shall be liable for damage to person or property caused by the use or discharge of fireworks and shall also be liable for costs of fire services by a responding fire

department as defined in I.C. 22-11-14-1 or other emergency services necessitated by the use or discharge of fireworks.

Section 18-8. Penalties.

- A. Any person convicted of violating the provisions of this section may be punished by a fine in an amount of up to \$100.00 per occurrence.
- B. Any person convicted of violating the provisions of Sections 18-5, 18-6, and 18-7 may be punished by a fine in an amount of up to \$700.00. A civil action to abate such nuisance may be brought under provisions of I.C. 32-30-6 and -7.

Section II. All prior Ordinances or parts thereof inconsistent with any provisions of this Ordinance are hereby repealed.

Section HI. This Ordinance is hereby passed and adopted at a regular meeting of the Town Council of the Town of Dune Acres, Indiana, this 19th day of June, 2007.